



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 14, 2005

MARK ROBERTS
3101 W 2500 N
ARCO, ID 83213

Re: Letter to Gary Spackman Dated November 1, 2005

Mr. Roberts,

Mr. Spackman asked that I respond to your letter dated November 1, 2005 in which you asked if you could replace your surface water supply with a ground water well. This letter is a response to your question.

A water user may file an application with the Idaho Department of Water Resources (IDWR) to transfer the point of diversion from surface water to ground water. IDWR will only approve a change in point of diversion from surface water to ground water when the hydraulic relationship between surface water and ground water is very direct and immediate. The test for the direct relationship is contained in the Eastern Snake Plain Aquifer (ESPA) transfer requirements described in an October 30, 2002 Administrator's Memorandum. That memorandum is available on the IDWR website.

You must own the water right to be transferred. According to our records you do not currently own a ground water or natural flow surface water irrigation right in Basin 34. The Big Lost Irrigation District verified that you are a member of the district and that you irrigate 13 acres with district water. As a member of the irrigation district you are entitled to receive a portion of the water diverted by the district, but the right that allows the diversion is owned by the district, and you are not able to sell or transfer any part of the right.

You could also file an application for a new ground water appropriation. The Big Lost River Valley is within the Snake River Basin Moratorium area, however. The Department is unable to process any new applications for water appropriation in your area unless the application is accompanied by an acceptable plan to supply water to mitigate for both surface water and ground water depletions that will occur as a result of the proposed new appropriation of ground water. If the application is approved, the new water right would bear a priority date of the date the application and fee were received by the Department. The new ground water right would be regulated in priority with the rest of the water district.

Mr. Bob Duke

11/15/2005

Page 2

Unless you are able to purchase an existing water right that is eligible for transfer to your property, your best option may be to work with the irrigation district or other users on your ditch to improve the ditch and try to improve the delivery of your irrigation district water.

Please call if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', with a stylized, cursive script.

Nick Miller
Water Distribution Section

cc: WD34 File

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